

IN THE SENATE

SENATE BILL NO. 1339

BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO HOSPITAL LICENSES AND INSPECTION; AMENDING SECTION 39-1301, IDAHO CODE, TO DEFINE A TERM; AMENDING CHAPTER 13, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-1301C, IDAHO CODE, TO PROVIDE FOR DEEMED STATUS OF A HOSPICE AGENCY AND ITS HOSPICE HOME AND TO REQUIRE NO IDAHO LICENSE OR CERTIFICATION.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 39-1301, Idaho Code, be, and the same is hereby amended to read as follows:

39-1301. DEFINITIONS. For purposes of this chapter the following definitions will apply:

(a) "Hospital" means a facility which:

(1) Is primarily engaged in providing, by or under the supervision of physicians,

(a) concentrated medical and nursing care on a twenty-four (24) hour basis to inpatients experiencing acute illness; and

(b) diagnostic and therapeutic services for medical diagnosis and treatment, psychiatric diagnosis and treatment, and care of injured, disabled, or sick persons; and

(c) rehabilitation services for injured, disabled, or sick persons; and

(d) obstetrical care.

(2) Provides for care of two (2) or more individuals for twenty-four (24) or more consecutive hours.

(3) Is staffed to provide professional nursing care on a twenty-four (24) hour basis.

(b) "Nursing facility" (nursing home) means a facility whose design and function shall provide area, space and equipment to meet the health needs of two (2) or more individuals who, at a minimum, require inpatient care and services for twenty-four (24) or more consecutive hours for unstable chronic health problems requiring daily professional nursing supervision and licensed nursing care on a twenty-four (24) hour basis, restorative, rehabilitative care, and assistance in meeting daily living needs. Medical supervision is necessary on a regular, but not daily, basis.

(c) "Intermediate care facility for the mentally retarded (ICFMR)" means a nonnursing home facility, designed and operated to meet the unique educational, training, habilitative and medical needs of the developmentally disabled through the provision of active treatment.

(d) "Person" means any individual, firm, partnership, corporation, company, association, or joint stock association, and the legal successor thereof.

1 (e) "Government unit" means the state, or any county, municipality, or
 2 other political subdivision, or any department, division, board or other
 3 agency thereof.

4 (f) "Licensing agency" means the department of health and welfare.

5 (g) "Board" means the board of health and welfare.

6 (h) "Physician" means an individual licensed to practice medicine and
 7 surgery by the Idaho state board of medicine or the Idaho state board of
 8 podiatry.

9 (i) "Authorized provider" means an individual who is a nurse
 10 practitioner or clinical nurse specialist, licensed to practice in Idaho in
 11 accordance with the Idaho nurse practice act; or a physician's assistant,
 12 licensed by the Idaho state board of medicine.

13 (j) "Hospice house" means a facility that is owned and operated by a
 14 medicare certified hospice agency for the purpose of providing inpatient
 15 hospice services consistent with 42 CFR 418.110.

16 SECTION 2. That Chapter 13, Title 39, Idaho Code, be, and the same is
 17 hereby amended by the addition thereto of a NEW SECTION, to be known and
 18 designated as Section 39-1301C, Idaho Code, and to read as follows:

19 39-1301C. DEEMED STATUS OF HOSPICE AGENCY AND ITS HOSPICE HOME --
 20 NO IDAHO LICENSE OR CERTIFICATION REQUIRED. (1) A hospice house and its
 21 owner and operator medicare certified hospice agency must have and maintain
 22 deemed status through a centers for medicare & medicaid services recognized
 23 accrediting organization.

24 (2) Neither a medicare certified hospice agency nor its hospice home is
 25 required to be licensed or certified by the state of Idaho.